IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 30287 of 1998

Between:

Bharat Electronics Limited, rep. by its General Secretary,
Contract Workers Union, Regd.No.A-1753,
Nacharam, Ranga Reddy District.

..... PETITIONER

AND

The Management of Bharat Electronics Limited,
Nacharam, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Certiorari calling for the records related to the I.D.No.111/94 before the Industrial Tribunal, Ranga Reddy District and to set aside the Award issued by the Industrial Tribunal in I.D.No.111/94 and to direct the respondent organisation to reinstate the petitioners herein forthwith with all consequential benefits viz., back wages and other service benefits.

Counsel for the Petitioner: MR.H.S.DORA

Counsel for the Respondent : MR.A.K.MURTHY

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No.30287 of 1998

ORDER:

Heard Sri H.S.Dora, learned counsel appearing on behalf of the petitioner and Sri A.K.Murthy, learned counsel appearing on behalf of the respondents.

The petitioner herein, which is a union, seeks to assail the impugned award in I.D. No. 111 of 1994 dated 03.07.1997 on the file of the Industrial Tribunal at Hyderabad, rejecting the claim of the petitioner seeking for absorption of its 29 contract workers to their regular establishment.

The case of the petitioner, in brief, is that they have been working with the respondent-management all along and in spite of the same, they have been discharged illegally, thereupon they sought a reference and ultimately the matter was taken up as I.D. No.111 of 1994 (Old I.D. No.344 of 1993) on the file of the Industrial Tribunal at Hyderabad. During the course of enquiry, WW1 and WW2 were examined and Exs.W1 to W5 were marked, on behalf of the petitioner. On behalf of the respondent-management, MW1 to MW3 were examined. After considering the entire evidence and material on record, it was found by the Labour Court that the aforesaid members of the petitioner-union were not directly engaged by the respondent-management and therefore, they can not make any claim as they have been working with the contractors. In view of the same, it was held that they are not entitled for any such regularisation or absorption into regular establishment. The award was passed granting a sum of Rs. 6,000/- each to be paid to the petitioner.

Considering the submissions made and on perusal of the material, it is seen that the question as to whether the members of the petitioner-union are entitled to be taken back on regular basis, is a moot one, which can not be gone into by this Court, more so, in view of the findings as arrived at by the Labour Court. The said findings are purely based upon appreciation of evidence as let in from both the sides. Hence, it is not open for this Court to go into the same or come to any different conclusion. In the circumstances, I do not find any merits in the Writ Petition.

The Writ Petition is, accordingly, dismissed. No costs.

(B.Prakash Rao, J.)

16.03.2005

DRK/CHVN

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